

IN THE SUPREME COURT FOR THE STATE OF ALASKA

STATE OF ALASKA, DIVISION OF
ELECTIONS, and GAIL FENUMIAI,
DIRECTOR, STATE OF ALASKA,
DIVISION OF ELECTIONS,

Appellants,

v.

RECALL DUNLEAVY, an
unincorporated association,

Appellee.

Case No. S-17706

Superior Court No.: 3AN-19-10903CI

AFFIDAVIT OF JAHNA M. LINDEMUTH

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

I, Jahna M. Lindemuth, being first duly sworn and deposed, hereby state as follows:

- 1) I am one of the attorneys for Appellee Recall Dunleavy in the above-captioned appeal.
- 2) The attached Exhibit 1 is a true and correct redacted copy of Recall Dunleavy's invoices for attorneys' fees from January 1, 2020 through April 30, 2020 for this appeal.
- 3) The attached Exhibit 2 is a true and correct copy of a spreadsheet summarizing Recall Dunleavy's requested attorneys' fees.

4) A true and correct copy of the superior court's order awarding fees to Recall Dunleavy for attorney costs in the superior court is attached as Exhibit 3. The State did not appeal that order.

5) The amount of fees that Recall Dunleavy is requesting is somewhat less than the total fees Recall Dunleavy actually incurred. Counsel reviewed the billing records and, as shown through blacked out entries, exercised judgment to eliminate hours that were not directly related to attorney work on the litigation or were solely attributable to responding to filings by Intervenor Stand Tall With Mike . The deletions total approximately \$2,802.50.

6) Recall Dunleavy is not seeking fees for any work after May 1, 2020, including fees incurred in preparing this fee motion. The costs that are authorized under Appellate Rule 508(d) will be submitted in a separate cost bill.

7) All of the primary attorneys working on this matter reduced their hourly rates. My current usual hourly rate is \$525, Jeff Feldman's usual hourly rate is \$500, Scott Kendall's usual hourly rate is \$395, Susan Orlansky's usual hourly rate is \$350, and Samuel Gottstein's usual hourly rate is \$285. I, along with Mr. Feldman, Mr. Kendall, and Ms. Orlansky, all reduced our hourly rates for this matter to \$285, and Mr. Gottstein reduced his hourly rate to \$200. These reduced rates are below market rates for Anchorage, Alaska, given counsels' legal experience.

8) This case involved important issues of first impression in this state, and it centered on legal questions with broad constitutional and political implications to all Alaskans. It would have been difficult or impossible for just one or two attorneys in

private practice to manage this complex expedited appeal effectively in the time allowed, particularly since private counsel (including all of the lawyers who worked on this case) generally have responsibilities to other clients and are unable to devote nearly full-time to one complicated, fast-moving appeal.

9) Although there were five primary attorneys working on this case, the method for performing the legal work was designed to minimize costs. This was primarily achieved by assigning discrete roles to each attorney to avoid unnecessary duplication of work. Ms. Orlansky and I, two of the most experienced attorneys on constitutional issues in the state, took the lead in drafting the various briefs, dividing work by issue between us. We would then edit each other's work before having other attorneys review and provide comments. We have both have done more than thirty appeals to this Court, and we worked very efficiently together. Mr. Gottstein, a fifth-year associate who clerked for this Court, provided much of the basic research, and did technical edits of all of the briefs. Because many of the constitutional issues about recall of state officials and the separation of powers doctrine had not yet been addressed by this Court, substantial research in other jurisdictions was necessary. Finally, Mr. Kendall, who has expertise in election law, and Mr. Feldman, one of the state's leading constitutional experts, helped with strategy and editing of the various arguments.

10) The majority of Plaintiffs' requested attorneys' fees, \$85,895.00, are for work performed by Holmes Weddle & Barcott, P.C. This billing includes attorneys' fees from myself, Mr. Kendall, and Mr. Gottstein, and reflects a majority of the legal

fees because of the costs of drafting, editing, and finalizing briefing performed by these three attorneys. \$46,398.00 in attorneys' fees are attributed to Reeves Amodio LLC, and reflects Ms. Orlansky's work drafting substantial portions of the briefs and editing. Finally, \$6,840.00 comes from Summit Law Group, PLLC, and reflects Mr. Feldman's editing and strategic contributions.

11) This case required a substantial amount of work in a relatively short period of time. The State filed its notice of appeal on February 3, 2020, and Recall Dunleavy filed an Emergency Motion that same day. This Court ordered expedited briefing on February 14, 2020, culminating in oral argument on March 25, 2020. This Court then also ordered simultaneous supplemental briefing on the separation of powers doctrine before summarily disposing of the case in Recall Dunleavy's favor on May 8, 2020.

12) The State can only pay judgments entered against it through a legislative appropriation. The Alaska State Legislature typically appropriates such funds in a manner so that any judgments entered against the State before the beginning of the upcoming fiscal year will be paid. The State's new fiscal year, FY22, will begin on July 1, 2021, so any judgments entered against the State on or before June 30, 2021 could be paid in FY22 under the language currently in this year's appropriation bill.

13) If Recall Dunleavy, the prevailing party in a constitutional claim before this Court, is awarded attorneys' fees on or before June 30, 2021, then the State is likely to have appropriated the funds to pay the judgment shortly after July 1, 2021.

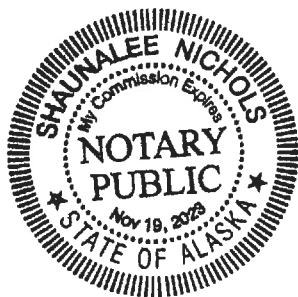
But if no judgment is entered in Recall Dunleavy's favor on or before June 30, 2021, then it is unlikely that Recall Dunleavy would be paid by the State before July 1, 2022.


FURTHER AFFIANT SAYETH NAUGHT.



Jahna M. Lindemuth

SUBSCRIBED AND SWORN to before me this 23rd day of April 2021.





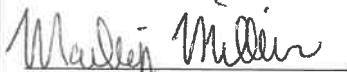
Notary Public in and for Alaska
My Commission Expires: 11/19/23

CERTIFICATE OF SERVICE AND TYPEFACE

I hereby certify, pursuant to App. R. 513.5, that this Affidavit of Jahna Lindemuth was prepared in 13 point proportionally spaced Times New Roman typeface.

Further, I hereby certify that on this 23rd day of April 2021, a true and correct copy of the foregoing was sent to the following via U.S. Mail and Email:

Margaret Paton-Walsh
Attorney General's Office
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501
margaret.paton-walsh@alaska.gov



Mackenzie Milliken

Law Offices Of
HOLMES WEDDLE & BARCOTT

A Professional Corporation
701 WEST EIGHTH AVENUE, SUITE 700, ANCHORAGE, ALASKA 99501-3408
TELEPHONE (907) 274-0666 FAX (907) 277-4657
Tax I.D. No. 92-0079042

Recall Dunleavy
PO Box 210228
Anchorage, AK 99521
USA

February 12, 2020
Inv #: 788383
Due by: 03/13/2020

RE: Appeal Litigation
File #: 7365-032109 SK

Attention: Paula DeLaiarro
Claim No.
Client Ref #
DOI:

For Services Rendered Through January 31, 2020

Timekeeper	Hours	Rate/Hour	Amount
Jahna M Lindemuth	8.30	\$285.00	\$2,365.50
Sam G Gottstein	9.20	\$200.00	\$1,840.00
Scott Kendall	6.40	\$285.00	\$1,824.00
		Current Fees:	\$6,029.50
		Total Current Due This Invoice:	\$6,029.50

HOLMES WEDDLE & BARCOTT, PC

February 12, 2020

Recall Dunleavy

RE: Appeal Litigation
File #: 7365-032109 SK

Inv #: 788383

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
01/30/2020	Conference call with C. Pywell and S. Kendall regarding options before Supreme Court; pre-meeting with team prior to call with opposing counsel; attend conference with opposing counsel; edit package to request scheduling conference and lift of stay	3.70	1,054.50	JML
01/30/2020	Edit emergency motion to lift stay and associated documents; discuss strategy with J. Lindemuth and S. Kendall; review correspondence with litigation team; meeting with client; telephonic conference with opposing counsel	6.40	1,280.00	SGG
01/30/2020	Review and revise Motion for Emergency consideration, Motion to Lift Stay, and Request for Scheduling Conference	3.20	912.00	SMK
01/31/2020	Revise motion for stay, request for scheduling conference, affidavit, motion for expedited consideration and proposed orders; telephone conference with S. Orlansky; telephone conference with clerk of court; update team; revise proposed orders	4.60	1,311.00	JML
01/31/2020	Edit emergency motion package to lift stay and expedite appeal; discuss strategy with J. Lindemuth and S. Kendall; draft proposed orders	2.80	560.00	SGG
01/31/2020	Review and revise latest drafts of Request for Scheduling Conference; review and revise draft Orders granting same and Emergency consideration of same	3.20	912.00	SMK
Fee Total		23.90	\$6,029.50	

Total Fee & Disbursements This Invoice

\$6,029.50

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<https://secure.lawpay.com/pages/hwb/operating>

Law Offices Of
HOLMES WEDDLE & BARCOTT

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701 WEST EIGHTH AVENUE, SUITE 700, ANCHORAGE, ALASKA 99501-3408

TELEPHONE (907) 274-0666 FAX (907) 277-4657

Tax I.D. No. 92-0079042

Recall Dunleavy
PO Box 210228
Anchorage, AK 99521
USA

March 6, 2020
Inv #: 789678
Due by: 04/05/2020

RE: Appeal Litigation
File #: 7365-032109 SK

Attention: Paula DeLaiarro
Claim No.
Client Ref #
DOI:

For Services Rendered Through February 29, 2020

Timekeeper		Hours	Rate/Hour	Amount
Jahna M Lindemuth	- .80	47.60	\$285.00	\$13,566.00
Sam G Gottstein	- 1.50	43.90	\$200.00	\$8,780.00
Scott Kendall	- .60	17.30	\$285.00	\$4,930.50

Current Fees: \$27,276.50
Current Costs: \$405.00

Total Current Due This Invoice: \$27,681.50
Balance from previous Invoice \$6,029.50
Total Current/Unpaid Balance Due \$33,711.00

Amount requested from the State: \$26,577.50

HOLMES WEDDLE & BARCOTT, PC

March 6, 2020

Recall Dunleavy

RE: Appeal Litigation
File #: 7365-032109 SK

Inv #: 789678

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
02/01/2020	Review edits from team; incorporate edits and make further revisions to package to file in Supreme Court on Monday	1.70	484.50	JML
02/01/2020	Edit motion to lift stay/motion for schedule conference package for appeal	1.40	280.00	SGG
02/02/2020	Review and edit appeal package; exchange emails with C. Pywell regarding concerns with affidavit	0.70	199.50	JML
02/02/2020	Edit emergency motion to lift stay package for Supreme Court	2.60	520.00	SGG
02/03/2020	Finalize package for filing; review order; confer with team	2.20	627.00	JML
02/03/2020	Edit emergency motion to lift stay package for Supreme Court; discuss strategy with J. Lindemuth and S. Kendall; review correspondence and filings	2.50	500.00	SGG
02/03/2020	Final review and revisions to all filings	1.50	427.50	SMK
02/04/2020	<div></div>	0.30	85.50	JML
		-.30		
02/04/2020	Review amended supreme court order; discuss strategy with S. Kendall and J. Lindemuth; <div></div>	0.70	140.00	SGG
		-.30		
02/04/2020	Review original and revised orders on briefing of motion to lift stay; communicate with co-counsel and Ms. Pywell regarding same	0.80	228.00	SMK

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
02/07/2020	Review filings by State [REDACTED]	0.80 -.20	228.00	JML
02/07/2020	Review State's filing; discuss strategy with S. Kendall and J. Lindemuth; [REDACTED]	1.40 -.40	280.00	SGG
02/07/2020	Review state's filing regarding Motion for Stay; review STWM's opposition to same	0.50	142.50	SMK
02/10/2020	Review correspondence with attorneys and Supreme Court; discuss strategy with J. Lindemuth and S. Kendall	0.40	80.00	SGG
02/10/2020	Communicate with Ms. Pywell; update status of case for same; [REDACTED]	1.40 -.40	399.00	SMK
02/11/2020	Confer with S. Kendall and S. Gottstein; telephone conference with S. Orlansky	0.30	85.50	JML
02/12/2020	Review Recall Dunleavy's briefs and OA notes from the superior court	0.20	40.00	SGG
02/12/2020	Call with Supreme Court Clerk; call to update leadership team	1.40	399.00	SMK
02/13/2020	Update status to Ms. Pywell	0.30	85.50	SMK
02/14/2020	Review Supreme Court orders; telephone conference with S. Orlansky regarding scheduling; telephone conference with M. Paton-Walsh regarding petition booklets; attend scheduling conference with clerk and opposing counsel; review final petition language; review scheduling order; schedule team meeting	2.80	798.00	JML
02/14/2020	Review supreme court order re: stay; discuss strategy with J. Lindemuth, S. Kendall, and S. Orlansky; review revised statement of grounds; forward prior suggested revised statement of grounds; listen to scheduling conference; review supreme court briefing notice	1.50	300.00	SGG

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
02/14/2020	Team meeting; review order; communicate with client; [REDACTED]; teleconference with Supreme Court Clerk; teleconference with Legal Team	2.50 -.20	712.50	SMK
02/17/2020	Review and respond to correspondence re: booklets	0.10	20.00	SGG
02/18/2020	Attend team meeting; [REDACTED]; exchange emails regarding transcripts	1.30 -.20	370.50	JML
02/18/2020	Review superior court briefing; prepare possible outline of STWM's and the State's At. brief; draft possible outline for Recall Dunleavy's Ae. brief; teleconference with S. Kendall, J. Lindemuth, S. Orlansky, and J. Feldman; review correspondence re: booklets; [REDACTED]; discuss strategy with J. Lindemuth and S. Kendall; [REDACTED]; draft Ae. brief template	4.20 -.50	840.00	SGG
02/19/2020	Telephone conference with court clerk regarding transcripts; review letter from court regarding recusal; discuss with team; review emails from Division regarding booklets; [REDACTED]	0.80 -.10	228.00	JML
02/19/2020	Review correspondence with litigation team and opposing counsel and the court clerk; outline superior court briefing and orders; [REDACTED]; discuss strategy with J. Lindemuth and S. Kendall; review letter on possible Bolger recusal	1.80 -.20	360.00	SGG

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
02/20/2020	Review letter from Chief Justice Bolger re: recusal; discuss strategy with J. Lindemuth and S. Kendall; receive electronic record; [REDACTED]; review correspondence with counsel on Ae. brief drafting	1.40 -10	280.00	SGG
02/21/2020	Draft Appellee Brief	5.20	1,482.00	JML
02/21/2020	Discuss strategy with J. Lindemuth; request informal transcript of court ruling on Jan 10; review and catalogue record on appeal; edit Ae. brief template	2.50	500.00	SGG
02/21/2020	Continue research on issues for appeal; review prior pleadings and exhibits for issues	1.50	427.50	SMK
02/22/2020	Draft Appellee Brief	3.10	883.50	JML
02/22/2020	Edit portions of the draft Ae. brief	0.90	180.00	SGG
02/24/2020	Draft Appellee Brief	3.40	969.00	JML
02/24/2020	Review and edit rough transcript of oral decision; discuss strategy with J. Lindemuth; compare written order with rough transcript	1.60	320.00	SGG
02/25/2020	Draft Appellee Brief; review S. Orlansky sections; review State's Appellant's Brief	4.20	1,197.00	JML
02/25/2020	Review S. Orlansky's draft Ae. brief; set new teleconference schedule; review J. Lindemuth's draft Ae. brief; discuss strategy with J. Lindemuth; review State's filings; review order granting overlength filing from court; forward filings to S. Orlansky and J. Feldman; review new authorities from the State's brief	3.20	640.00	SGG
02/25/2020	Conference with co-counsel regarding Division's Brief; review and flag issues in same	1.80	513.00	SMK
02/26/2020	Attend team meeting; draft Appellee's Brief	3.10	883.50	JML

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
02/26/2020	Review State's filings; review cases in State's table of authorities; check for "liberal construction"; prepare for strategy meeting; strategy meeting with S. Orlansky, J. Lindemuth, and S. Kendall; discuss strategy with J. Lindemuth; research impact of legislative silence and court rulings;	7.20	1,440.00	SGG
02/26/2020	Continue review of Division's Brief; outline issues; conference with co-counsel	2.20	627.00	SMK
02/27/2020	Draft Appellee Brief	7.30	2,080.50	JML
02/27/2020	Edit Ae. brief draft; discuss strategy with J. Lindemuth; draft portions of Ae. brief on and/or and context; draft footnote on other jurisdictions; grab citation for S. Orlansky; edit Ae. brief draft	5.20	1,040.00	SGG
02/27/2020	Continued review and analysis of Division's Brief and cases cited	1.20	342.00	SMK
02/28/2020	Draft Appellee Brief; review draft Excerpt of Record	6.20	1,767.00	JML
02/28/2020	Edit Ae. brief; pull together list of possible Exc. components; discuss strategy with J. Lindemuth and S. Kendall; review cases re: substantial compliance; assist S. Kendall in tracking down Medicaid veto documents	4.90	980.00	SGG
02/28/2020	Continue work and research on arguments responding to Division's Brief	2.20	627.00	SMK
02/29/2020	Recall Review S. Orlansky portions of brief; telephone conference with S. Orlansky; edit Appellee's Brief	4.20	1,197.00	JML
02/29/2020	Review correspondence with litigation team	0.20	40.00	SGG
	Fee Total	108.80	<u>\$27,276.50</u>	

DISBURSEMENTS

DISBURSEMENTS

02/03/2020	Copy charges Anchorage office February 2020 957 @ 0.20	191.40
02/20/2020	Copying Charge Anchorage Office. 1068 @ 0.20	213.60

Disbursement Total	<u>\$405.00</u>
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Total Fee & Disbursements This Invoice	<u>\$27,681.50</u>
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HOLMES WEDDLE & BARCOTT

A Professional Corporation
701 WEST EIGHTH AVENUE, SUITE 700, ANCHORAGE, ALASKA 99501-3408
TELEPHONE (907) 274-0666 FAX (907) 277-4657
Tax I.D. No. 92-0079042

Recall Dunleavy
PO Box 210228
Anchorage, AK 99521
USA

April 13, 2020
Inv #: 789957
Due by: 05/13/2020

RE: Appeal Litigation
File #: 7365-032109 JML

Attention: Paula DeLaiarro

For Services Rendered Through March 31, 2020

Timekeeper	Hours	Rate/Hour	Amount
Jahna M Lindemuth	-2.50 51.00	\$285.00	\$14,535.00
Sam G Gottstein	-.40 45.10	\$200.00	\$9,020.00
Scott Kendall	-1.00 20.80	\$285.00	\$5,928.00

Current Fees: \$29,483.00
Current Costs: \$806.20

Total Current Due This Invoice: \$30,289.20
Balance from previous Invoice \$33,711.00
Total Current/Unpaid Balance Due \$64,000.20

Amount requested from the State: \$28,405.50

HOLMES WEDDLE & BARCOTT, PC

April 13, 2020

Recall Dunleavy

RE: Appeal Litigation

Inv #: 789957

File #: 7365-032109 JML

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
03/01/2020	Review correspondence with litigation team	0.10	20.00	SGG
03/02/2020	Edit Appellee Brief and Excerpt of Record; review Court Notice regarding recusal	8.70	2,479.50	JML
03/02/2020	Edit Ae Exc; edit draft Ae brief; discuss strategy with Lindemuth and Kendall; review recusal orders; [REDACTED]	8.60 -.30	1,720.00	SGG
03/03/2020	Edit Appellee Brief	6.10	1,738.50	JML
03/03/2020	Edit Ae. brief	9.70	1,940.00	SGG
03/03/2020	Revise Appellee's Brief	1.50	427.50	SMK
03/04/2020	Review S. Gottstein and S. Kendall edits; attend team meeting regarding same; revise conclusion	2.40	684.00	JML
03/04/2020	Edit Ae. brief; discuss strategy with Lindemuth and Kendall; meet with Lindemuth, Orlansky, and Kendall; re-read At. brief; prepare authorities principally relied upon	8.00	1,600.00	SGG
03/04/2020	Review and revise draft brief; call with Ms. Paton-Walsh; call with Ms. Pywell	3.50	997.50	SMK
03/05/2020	Review final technical edits; final review of brief; edits to table of authorities	2.20	627.00	JML
03/05/2020	Review At. brief; edit Ae. brief; discuss strategy with J. Lindemuth and S. Kendall; finalize Ae. brief	7.00	1,400.00	SGG

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
03/05/2020	Review Ms. Orlansky's draft of Appellee's Brief; revise same; review additional cases	2.60	741.00	SMK
03/06/2020	Finalize brief and related pleadings	0.70	199.50	JML
03/06/2020	Finalize Ae. brief; review and edit certificate of service	2.00	400.00	SGG
03/06/2020	Final review of Appellee's Brief	0.60	171.00	SMK
03/09/2020	Review final bound briefs for filing; attend team meeting regarding oral argument	0.50	142.50	JML
03/09/2020	Check printed and bound copy of Ae. brief and Ae. excerpt before filing; prepare for team meeting; team strategy meeting with J. Lindemuth, S. Kendall, S. Orlansky, and J. Feldman	0.70	140.00	SGG
03/09/2020	Teleconference with Legal Team regarding brief and oral argument strategy; call with Ms. Lindemuth regarding same	1.00	285.00	SMK
03/13/2020	[REDACTED]	0.20 -.20	57.00	JML
03/17/2020	Review State's brief; analyze; conference with S. Gottstein regarding same	1.60	456.00	JML
03/17/2020	Review At. R. brief; re-read At. brief and Ae. brief; discuss strategy with J. Lindemuth and S. Kendall	2.00	400.00	SGG
03/18/2020	Reread reply brief; conference with S. Gottstein and S. Kendall regarding point for oral argument; review S. Orlansky memo regarding same	2.30	655.50	JML
03/18/2020	[REDACTED]	0.30 -.30	85.50	JML

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
03/18/2020	Review new cases cited in the At. R. brief; re-read At. R. brief; call with J. Lindemuth and S. Kendall re: At. R. brief and oral argument	2.50	500.00	SGG
03/18/2020	Review and analysis of State's Reply Brief; conference call with Ms. Lindemuth and Mr. Gottstein	2.20	627.00	SMK
03/19/2020	Review court order regarding oral argument options; discuss with team; discuss with state and clerk; prepare for oral argument	1.10	313.50	JML
03/19/2020	Review new order from Supreme Court; coordinate timing with J. Lindemuth and S. Kendall for a conference call; preparation for teleconference with J. Lindemuth; teleconference with J. Lindemuth, S. Orlansky, J. Feldman, and S. Kendall about the new oral argument order; C. Pywell; review correspondence about oral argument logistics	0.80	160.00	SGG
03/19/2020	Review notice from Supreme Court; communicate with Ms. Pywell; call with Ms. Lindemuth; legal team conference call regarding oral argument strategy	3.80	1,083.00	SMK
03/20/2020	Oral argument preparation; team meeting regarding same	4.70	1,339.50	JML
03/20/2020	Review correspondence with AK Supreme Court clerk re: in-person appearance, and other correspondence; review order setting oral argument time per side; prepare for teleconference re: oral argument; teleconference with J. Lindemuth, S. Kendall, S. Orlansky, and J. Feldman re: oral argument; check for printed cases for J. Lindemuth	1.50	300.00	SGG
03/20/2020	Review Court's answer regarding oral arguments; participate in conference call with co-counsel on Oral Argument strategy	1.40	399.00	SMK
03/23/2020	Prepare for oral argument	5.10	1,453.50	JML

Invoice #: 789957

Page 5

April 13, 2020

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
03/23/2020	Assist J. Lindemuth with oral argument preparation	0.50	100.00	SGG
03/23/2020	Conference with Ms. Lindemuth; communicate with Ms. Pywell	0.90	256.50	SMK
03/24/2020	Prepare for oral argument	6.10	1,738.50	JML
03/24/2020	Review J. Lindemuth oral argument outline; assist J. Lindemuth in preparing for oral argument; call with J. Lindemuth and S. Kendall re: oral argument	1.60	320.00	SGG
03/24/2020	Review outline for Oral Argument; communicate with Ms. Lindemuth and Mr. Gottstein regarding same	1.80	513.00	SMK
03/25/2020	Prepare for and attend oral argument; telephone conference with team regarding same; telephone conference with N. Steinkruger and S. Orlansky	6.70	1,909.50	JML
03/25/2020	Call with Ms. Pywell; [REDACTED]; debrief regarding same with Ms. Lindemuth	1.50 -1.00	427.50	SMK
03/26/2020	[REDACTED]; conference with S. Kendall regarding argument	2.30 -2.00	655.50	JML
03/30/2020	[REDACTED]	0.10 -.10	20.00	SGG
	Fee Total	116.90	<u>\$29,483.00</u>	

DISBURSEMENTS

03/01/2020	Copying Charge Anchorage Office. 70 @ 0.20	14.00
03/01/2020	Computer research charges by Mr. Gottstein February, 2020	72.74
03/01/2020	Computer research charges by Mr. Gottstein February, 2020	335.88
03/09/2020	Alaska Legal Copy-268483	241.72
	Document Production from Expert - Copies, cover stock and binding Re: Recall Dunleavy - Outside Printing	
03/16/2020	Postage Anchorage Office.	2.00
03/17/2020	Copying Charge Anchorage Office. 155 @ 0.20	31.00

DISBURSEMENTS

03/17/2020	Copying Charge Anchorage Office. 305 @ 0.20	61.00
03/17/2020	Copying Charge Anchorage Office. 20 @ 0.20	4.00
03/21/2020	AT&T TeleConference Services-003-011544 Payment to AT&T relating to teleconference for the month of March 2020. SK 2/18/20	6.41
03/21/2020	AT&T TeleConference Services-003-011544 Payment to AT&T relating to teleconference for the month of March 2020. JL 2/26/20	13.64
03/31/2020	Anchorage Messenger Service, LLC-10039-612 AMS Courier Service for March 2020 - Courier Services to Attorney Generals Office on 03/09/2020	17.26
03/31/2020	Anchorage Messenger Service, LLC-10039-612 AMS Courier Service for March 2020 - Courier Services to Reeves Amodio LLC on 03/16/2020	6.55
Disbursement Total		<hr/> \$806.20
Total Fee & Disbursements This Invoice		<hr/> \$30,289.20

For your convenience we are now accepting credit card payments online! If you choose to pay your bill online via credit card please visit the link listed below, or you may call our office at 907-274-0666 with your credit card information.

<https://secure.lawpay.com/pages/hwb/operating>

Law Offices Of
HOLMES WEDDLE & BARCOTT

A Professional Corporation

701 WEST EIGHTH AVENUE, SUITE 700, ANCHORAGE, ALASKA 99501-3408

TELEPHONE (907) 274-0666 FAX (907) 277-4657

Tax I.D. No. 92-0079042

Recall Dunleavy
PO Box 210228
Anchorage, AK 99521
USA

May 11, 2020
Inv #: 790725
Due by: 06/10/2020

RE: Appeal Litigation
File #: 7365-032109 JML

Attention: Paula DeLaiarro

For Services Rendered Through April 30, 2020

Timekeeper	Hours	Rate/Hour	Amount
Jahna M Lindemuth	-.30 53.80	\$285.00	\$15,333.00
Sam G Gottstein	32.50	\$200.00	\$6,500.00
Scott Kendall	-.20 11.20	\$285.00	\$3,192.00

Current Fees: \$25,025.00

Current Costs: \$243.13

Total Current Due This Invoice: \$25,268.13

Balance from previous Invoice \$64,000.20

Total Current/Unpaid Balance Due \$89,268.33

Amount requested from the State: \$24,882.50

HOLMES WEDDLE & BARCOTT, PC

May 11, 2020

Recall Dunleavy

RE: Appeal Litigation

Inv #: 790725

File #: 7365-032109 JML

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
04/02/2020	Review order regarding supplemental briefing; research on separation of powers; attend team meeting regarding team plan	2.60	741.00	JML
04/02/2020	Review Supreme Court order re: Recall; figure out team meeting time; outline possible response; review separation of powers case law; review similar briefing sent by J. Lindemuth; teleconference with J. Lindemuth, S. Kendall, S. Orlansky, and J. Feldman; speak with J. Lindemuth post-teleconference about next steps; draft memorandum/list of relevant separation of powers cases	2.30	460.00	SGG
04/02/2020	Review Order from Supreme Court regarding Supplemental Briefing; communicate with co-counsel; communicate with Ms. Pywell; [REDACTED]	2.10 -.20	598.50	SMK
04/03/2020	Exchange emails and calls regarding briefing schedule; confer on ACLU desire to participate	1.20	342.00	JML
04/03/2020	Prepare list of cases on separation of powers; review recent ACLU briefing; discuss possible response; speak with J. Lindemuth about memorandum; compile cases for printing; review correspondence with opposing counsel re: timing of supplemental briefing	6.10	1,220.00	SGG
04/03/2020	Review communications and request from opposing counsel conference with Ms. Lindemuth and Ms. Orlansky	1.50	427.50	SMK
04/04/2020	Research separation of powers for supplemental brief	5.10	1,453.50	JML

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
04/04/2020	Coordinate timing of a call with S. Orlansky; respond to J. Lindemuth re: supplemental information for memorandum; do additional research for J. Lindemuth on separation of powers; speak with S. Orlansky; research constitutional convention historical files on the veto message requirement; discuss research findings with S. Orlansky	1.70	340.00	SGG
04/05/2020	Draft supplemental brief	5.40	1,539.00	JML
04/06/2020	Draft supplemental brief; telephone conference with ACLU regarding amicus participation	4.80	1,368.00	JML
04/06/2020	Review correspondence from S. Orlansky and J. Feldman re: veto power; finalize research for S. Orlansky, and email findings; draft supplemental memorandum for J. Lindemuth	2.10	420.00	SGG
04/06/2020	Call with ACLU attorneys regarding intervention versus amicus brief	1.20	342.00	SMK
04/07/2020	Draft supplemental brief; telephone conference with S. Orlansky; review S. Orlansky portion of brief	5.10	1,453.50	JML
04/07/2020	Researching and drafting supplemental memorandum on separation of powers for J. Lindemuth; pull cases from ACLU briefing; speak with J. Lindemuth; review supplemental brief	3.00	600.00	SGG
04/07/2020	Communicate with Ms. Lindemuth regarding status of briefing and strategy for same; review separation of powers cases	1.50	427.50	SMK
04/08/2020	Draft supplemental brief; circulate to team; team meeting regarding same	4.70	1,339.50	JML
04/08/2020	Edit J. Lindemuth's draft portion of supplemental briefing; review current draft; review J. Feldman draft; telephonic team meeting; speak with J. Lindemuth about latest draft	2.10	420.00	SGG

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
04/08/2020	Review and revise draft brief; conference call with legal team	2.20	627.00	SMK
04/09/2020	Edit supplemental brief	4.60	1,311.00	JML
04/09/2020	Edit draft supplemental brief; speak with J. Lindemuth; compile dictionary definition inserts for supplemental brief	1.00	200.00	SGG
04/10/2020	Make final edits to brief; telephone conference with S. Gottstein regarding technical edit	1.80	513.00	JML
04/10/2020	Discuss timing of next draft with J. Lindemuth; do technical edit of supplemental brief	5.00	1,000.00	SGG
04/13/2020	Finalize supplemental brief; review Division's brief; review ACLU brief; telephone conference with S. Orlansky regarding plan for reply brief	4.40	1,254.00	JML
04/13/2020	Correspond with J. Lindemuth and S. Kendall about filing supplemental brief; review draft ACLU amicus brief; speak with J. Lindemuth re: finalizing brief; review ACLU amicus brief; review State supplemental brief	2.00	400.00	SGG
04/14/2020	Research and draft supplemental reply brief; review and comment on S. Orlansky sections	4.20	1,197.00	JML
04/14/2020	Prepare for teleconference on supplemental briefing response; participate in teleconference with J. Lindemuth, S. Kendall, S. Orlansky, and J. Feldman; review cases cited by the state; consider response to motion for amicus brief; re-review Alaska's separation of powers cases; work on finding an expansion definition of "the law"; review State's opposition to amici brief	3.50	700.00	SGG
04/14/2020	Litigation team call	1.00	285.00	SMK
04/15/2020	Draft supplemental reply brief	5.70	1,624.50	JML

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
04/15/2020	Review court order on amicus; review and respond to correspondence about the order with the legal team	0.10	20.00	SGG
04/15/2020	Review Court's order regarding amicus; transmit same to Ms. Pywell	0.20	57.00	SMK
04/16/2020	Input edits and suggestions from S. Orlansky into reply brief; circulate to team for review	2.20	627.00	JML
04/16/2020	Review and revise supplemental Reply Brief	1.10	313.50	SMK
04/17/2020	Review S. Gottstein's edits; confer with S. Orlansky on process to finalize brief; [REDACTED]	0.80 -.30	228.00	JML
04/17/2020	Edit supplemental responsive brief; speak with J. Lindemuth about draft	3.60	720.00	SGG
04/20/2020	Finalize and file brief	1.20	342.00	JML
04/20/2020	Transmit supplemental brief to Ms. Pywell; review State's Brief	0.40	114.00	SMK
	Fee Total	97.50	<u>\$25,025.00</u>	

DISBURSEMENTS

04/01/2020	Computer research charges by Mr. Gottstein March, 2020	232.53
04/13/2020	Copy charges Anchorage office April 2020 42 @ 0.20	8.40
04/13/2020	Postage Anchorage Office.	2.20
	Disbursement Total	<u>\$243.13</u>

Total Fee & Disbursements This Invoice \$25,268.13

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<https://secure.lawpay.com/pages/hwb/operating>

REEVES AMODIO LLC

500 L Street, Suite 300
Anchorage, AK 99501

907-222-7100

Susan E. Reeves
Thomas P. Amodio
Robert K. Reges

Michael Jungreis
Brian J. Stibitz
Susan Orlansky - Of Counsel

Attn: Paula Delaiarra
Recall Dunleavy
C/O Paula Delaiarra
PO Box 210228
Anchorage, AK 99521

January 2020

Statement Date: February 28, 2020
Statement No. 119776
Account No. 19044.1
Page: 1

RE: Litigation

Professional Services

			Rate	Hours	
01/08/2020	SO		285.00	2.00	570.00
01/09/2020	SO				
			285.00	2.70	769.50
01/10/2020	SO		285.00	2.80	798.00
01/13/2020	SO		285.00	0.20	57.00
01/17/2020	SO				
			285.00	0.50	142.50
01/20/2020	SO		285.00	1.20	342.00
01/21/2020	SO				
			285.00	0.30	85.50
01/22/2020	SO				
			285.00	0.10	28.50
01/28/2020	SO		285.00	0.20	57.00
01/29/2020	SO				
			285.00	2.20	627.00
01/30/2020	SO	Confer with co-counsel and opposing counsel about possible expedited schedules for appeal; further strategy discussion with co-counsel	285.00	1.50	427.50

Litigation

			Rate	Hours	
01/31/2020	SO	Telephone call with M. Montgomery; review and propose edits to draft motion to lift stay, motion for expedited consideration, motion for scheduling conference and proposed schedule, and associated draft orders	285.00	5.60	1,596.00
		For professional services rendered		19.30	5,500.50
Timekeeper Summary					
<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Total</u>	
Susan Orlansky		19.30	\$285.00	\$5,500.50	
		Total Amount this Bill			5,500.50
		Previous Balance			\$34,247.00
		<u>Payments</u>			
02/05/2020		Payment via check 1086- thank you			-13,869.50
		Balance Due			<u>\$25,878.00</u>

Amount requested from the State: \$2,023.50

REEVES AMODIO LLC

500 L Street, Suite 300
Anchorage, AK 99501

907-222-7100

Susan E. Reeves
Thomas P. Amodio
Robert K. Reges

Michael Jungreis
Brian J. Stibitz
Susan Orlansky - Of Counsel

Attn: Paula Delaiarra
Recall Dunleavy
C/O Paula Delaiarra
PO Box 210228
Anchorage, AK 99521

Statement Date: March 27, 2020
Statement No. 119989
Account No. 19044.1
Page: 1

Feb 2020

RE: Litigation

Professional Services

			Rate	Hours	
02/14/2020	SO	Review Supreme Court order on stay; series of telephone calls and emails with co-counsel; participate in scheduling conference with court clerk	285.00	0.60	171.00
02/18/2020	SO	Outline sections of appellee brief; confer with co-counsel to develop plan for drafting brief; [REDACTED]; begin draft of Statement of Facts for brief	285.00	2.30 -.20	655.50
02/19/2020	SO	Draft portions of arguments for appellee brief	285.00	3.10	883.50
02/20/2020	SO	Draft arguments for appellee brief	285.00	6.00	1,710.00
02/21/2020	SO	Continue work on arguments for appellee brief	285.00	4.90	1,396.50
02/23/2020	SO	Develop and draft arguments for appellee brief	285.00	5.40	1,539.00
02/24/2020	SO	Edit draft arguments, incorporating suggestions from J. Feldman; conduct additional research as needed to complete citations	285.00	4.40	1,254.00
02/25/2020	SO	Review Division's brief	285.00	1.70	484.50
02/26/2020	SO	Participate in teleconference with co-counsel to discuss response to appellant's brief; draft additional arguments for brief in response to Division's argument	285.00	6.40	1,824.00
02/27/2020	SO	Draft portions of appellee brief	285.00	8.00	2,280.00
02/28/2020	SO	Edit draft sections of brief; confer with J. Lindemuth; initial review of sections she drafted	285.00	8.80	2,508.00
02/29/2020	SO	Confer with J. Lindemuth about merging sections of draft brief; edit sections drafted by J. Lindemuth	285.00	7.40	2,109.00
For professional services rendered				59.00	16,815.00

Recall Dunleavy

(Continued)

March 27, 2020

19044-1

Statement No: 119989

Litigation

Timekeeper	Timekeeper Summary	Hours	Rate	Total
Susan Orlansky		59.00	\$285.00	\$16,815.00
Total Amount this Bill				16,815.00
Previous Balance				\$25,878.00
Balance Due				<u>\$42,693.00</u>

Amount requested from the State: \$16,758.00

REEVES AMODIO LLC

Susan E. Reeves
Thomas P. Amodio
Robert K. Reges

500 L Street, Suite 300
Anchorage, AK 99501

907-222-7100

Michael Jungreis
Brian J. Stibitz
Susan Orlansky - Of Counsel

Attn: Paula Delaiarra
Recall Dunleavy
C/O Paula Delaiarra
PO Box 210228
Anchorage, AK 99521

March 2020
\$10,217.50

Statement Date: May 1, 2020
Statement No. 120223
Account No. 19044.1
Page: 1

RE: Litigation

Professional Services

			Rate	Hours	
03/01/2020	SO	Continue edits to draft brief; exchange sections with J. Lindemuth	285.00	4.50	1,282.50
03/02/2020	SO	Further edits to draft brief; complete overall proofread for consistent form	285.00	7.00	1,995.00
03/03/2020	SO	Review changes proposed by J. Feldman; suggest additional changes; draft new introduction; exchange series of emails and telephone calls with J. Lindemuth concerning brief	285.00	5.70	1,624.50
03/04/2020	SO	Review brief and suggested changes after technical review by S. Gottstein; confer with co-counsel; proofread entire brief to determine which technical suggestions to accept	285.00	6.00	1,710.00
03/05/2020	SO	Input corrections into brief; add short additional materials prepared by co-counsel; proofread again	285.00	2.90	826.50
03/06/2020	SO	Proofread table of authorities	285.00	0.80	228.00
03/09/2020	SO	Teleconference with co-counsel regarding oral argument	285.00	0.20	57.00
03/12/2020	SO	[REDACTED]; begin review of briefing to develop questions for oral argument preparation	285.00	0.20	-10 57.00
03/16/2020	SO	Draft questions for J. Lindemuth to consider in oral argument preparation	285.00	2.50	712.50
03/17/2020	SO	Review State's reply brief; develop additional questions for consideration in oral argument preparation	285.00	1.70	484.50
03/18/2020	SO	Complete questions for J. Lindemuth	285.00	1.00	285.00
03/19/2020	SO	Review court order regarding telephonic argument; confer with co-counsel regarding response	285.00	0.20	57.00
3/20/2020	SO	Teleconference with co-counsel to prepare for oral argument	285.00	0.80	228.00

Recall Dunleavy

(Continued)

May 01, 2020

19044-1

Statement No: 120223

Litigation

			Rate	Hours	
03/26/2020	SO	[REDACTED]; confer with co-counsel and client			
		representatives in follow-up	285.00	2.00 -1.00	570.00
		For professional services rendered		35.50	10,117.50

Timekeeper Summary

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Susan Orlansky	35.50	\$285.00	\$10,117.50

Costs

03/01/2020	LexisNexis Research	100.00
	Total Costs	100.00
	Total Amount this Bill	10,217.50
	Previous Balance	\$42,693.00
	Balance Due	<u>\$52,910.50</u>

Amount requested from the State: \$9,804.00

REEVES AMODIO LLC

Susan E. Reeves
Thomas P. Amodio
Robert K. Reges

500 L Street, Suite 300
Anchorage, AK 99501

907-222-7100

Michael Jungreis
Brian J. Stibitz
Susan Orlansky - Of Counsel

Attn: Paula Delaiarra
Recall Dunleavy
C/O Paula Delaiarra
PO Box 210228
Anchorage, AK 99521

Statement Date: May 14, 2020
Statement No. 120295
Account No. 19044.1
Page: 1

RE: Litigation

Professional Services

			Rate	Hours	
04/02/2020	SO	Review Supreme Court order for supplemental briefing; participate in teleconference with legal team to discuss response; begin research into relevant constitutional convention minutes	285.00	3.00	855.00
04/03/2020	SO	Continue research in response to Court order for supplemental briefing	285.00	7.00	1,995.00
04/04/2020	SO	Continue research related to order for supplemental briefing	285.00	5.60	1,596.00
04/05/2020	SO	Conduct additional research; begin drafting portion of supplemental brief	285.00	5.80	1,653.00
04/06/2020	SO	Continue drafting portions of supplemental brief; participate in teleconference with legal team and ACLU representatives	285.00	5.90	1,681.50
04/07/2020	SO	Confer with J. Lindemuth on merging draft portions of brief; edit sections to promote merger; review and offer comments on drafts prepared by J. Lindemuth	285.00	6.90	1,966.50
04/08/2020	SO	Continue editing consolidated draft brief; confer with legal team on strategy questions; incorporate editorial suggestions from J. Feldman	285.00	4.90	1,396.50
04/09/2020	SO	Complete further edits to consolidated supplemental brief, including new sections prepared by J. Lindemuth	285.00	3.00	855.00
04/10/2020	SO	Complete review and initial proofreading of near-final draft; provide comments and suggestions to J. Lindemuth	285.00	1.30	370.50
04/13/2020	SO	Proofread final two drafts of supplemental brief; review ACLU amicus brief; review Division's supplemental brief; confer with J. Lindemuth; begin research related to drafting reply brief	285.00	5.70	1,624.50
04/14/2020	SO	Research political question doctrine; draft reply to Division's first two arguments	285.00	6.20	1,767.00
04/15/2020	SO	Research whether Court has used 4-factor AKPIRG test in			

Litigation

			Rate	Hours	
		subsequent cases; review and comment on J. Lindemuth's draft sections of reply brief	285.00	4.50	1,282.50
04/16/2020	SO	Review comments from J. Lindemuth on draft reply brief; exchange further emails with J. Lindemuth	285.00	0.60	171.00
04/17/2020	SO	Review tech-cited draft; provide comments to J. Lindemuth	285.00	1.40	399.00
04/20/2020	SO	Final proofread of supplemental reply brief; read Division's reply brief	285.00	0.70	199.50
		For professional services rendered		<u>62.50</u>	<u>17,812.50</u>

Timekeeper Summary				
<u>Timekeeper</u>		<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Susan Orlansky		62.50	\$285.00	\$17,812.50

Total Amount this Bill	17,812.50
Previous Balance	\$52,910.50
Balance Due	<u>\$70,723.00</u>



Federal Tax ID # 91-1787901

Paula DeLaiarro
Recall Dunleavy
P.O. Box 210228
Anchorage, AK 99521

Jan

Invoice No. **110750**
Invoice Date February 19, 2020
Client No. **11338-1 JMF**

Re: Recall Dunleavy Committee
Alaska Recall

Balance Forward	\$13,680.00
Current Billing	\$4,368.21
Total Amount Now Due	\$18,048.21
Value Adjustment	_____
Amount Paid	_____

ACH payments

Routing # 125 008 013 Checking Account # 002 000 520
The Commerce Bank of Washington Seattle, WA

Online payments (Visa, MasterCard, American Express)
<https://secure.lawpay.com/pages/summit-law-group/operating>

Invoice No. **110750**
Invoice Date February 19, 2020
Client No. **11338-1 JMF**
Summary of Activity Billed Through January 31, 2020
Re: Recall Dunleavy Committee
Alaska Recall

Prior Charges

Balance of last invoice	\$13,680.00
Less payments received since last invoice	\$0.00 CR
Less adjustments made since last invoice	\$0.00 CR
NET BALANCE FORWARD	\$13,680.00

Current Charges

Total professional services	\$4,332.00
Interest accrued on past due balance	\$36.21
Total incurred this period	\$4,368.21

NET CURRENT CHARGES	\$4,368.21
----------------------------	-------------------

TOTAL AMOUNT DUE	\$18,048.21 ✓
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For questions regarding your account, please call 206.676.7032 or email accounting@summitlaw.com

Current	0-30 Days	31-60 Days	61-90 Days	91-120 Days	121+ Days	Total Due
\$4,368.21	\$0.00	\$8,436.00	\$5,244.00	\$0.00	\$0.00	\$18,048.21

Amount requested from the State: \$370.50

Exhibit 1
Page 30 of 45



Paula DeLaiarro
Recall Dunleavy
P.O. Box 210228
Anchorage, AK 99521

Invoice No. **110750**
Invoice Date February 19, 2020
Client No. **11338-1 JMF**

Activity Billed Through 01/31/2020

**Re: Recall Dunleavy Committee
Alaska Recall**

Professional Services Rendered

01/08/2020	JMF		
01/09/2020	JMF		
01/10/2020	JMF		
01/15/2020	JMF		
01/17/2020	JMF		
01/20/2020	JMF		
01/21/2020	JMF		
01/22/2020	JMF		
01/23/2020	JMF		
01/27/2020	JMF		
01/29/2020	JMF	Confer re: ruling on stay motion, and plan and schedule for appellate briefing and argument.	0.60 @ \$285.00 \$171.00
01/30/2020	JMF	Confer with co-counsel re: pending appellate and stay of final judgment issues.	0.70 @ \$285.00 \$199.50
Total Professional Services			\$4,332.00

Timekeeper Recap			Hours	Rate	Fees
JMF	Feldman, Jeff	Attorney	15.20	\$285.00	4,332.00
			15.20		\$4,332.00



Recall Dunleavy Committee
Alaska Recall

Invoice No. **110750**
Invoice Date February 19, 2020
Client No. **11338-1 JMF**
Page 3 of 4

BILLING SUMMARY

NET BALANCE FORWARD	\$13,680.00
<i>Current Charges</i>	
Total professional services	\$4,332.00
Total disbursements	\$0.00
Interest accrued on past due balance	\$36.21
Total incurred this period	\$4,368.21
NET CURRENT BILLING	\$4,368.21
TOTAL AMOUNT NOW DUE	\$18,048.21

Exhibit 1

Page 32 of 45



Recall Dunleavy Committee
Alaska Recall

Invoice No. **110750**
Invoice Date February 19, 2020
Client No. **11338-1 JMF**
Page 4 of 4

Statement of Account as of February 19, 2020

Statement of Account

Bill Date	Bill Number	Bill Amount	Outstanding
12/17/2019	109332	\$5,244.00	\$5,244.00
01/17/2020	110113	\$8,436.00	\$8,436.00
Net Balance Forward			\$13,680.00
Current Billing			\$4,368.21
Total Amount Now Due			\$18,048.21



Federal Tax ID # 91-1787901

Paula DeLaiarro
Recall Dunleavy
P.O. Box 210228
Anchorage, AK 99521

Feb

Invoice No. **111433**
Invoice Date March 18, 2020
Client No. **11338-1 JMF**

Re: Recall Dunleavy Committee
Alaska Recall

Balance Forward	\$18,048.21
Current Billing	\$1,064.96
Total Amount Now Due	\$19,113.17
Value Adjustment	
Amount Paid	

ACH payments

Routing # 125 008 013 Checking Account # 002 000 520
The Commerce Bank of Washington Seattle, WA

Online payments (Visa, MasterCard, American Express)
<https://secure.lawpay.com/pages/summit-law-group/operating>

Invoice No. **111433**
Invoice Date March 18, 2020
Client No. **11338-1 JMF**

Summary of Activity Billed Through February 29, 2020

Re: Recall Dunleavy Committee
Alaska Recall

Prior Charges

Balance of last invoice	\$18,048.21
Less payments received since last invoice	\$0.00 CR
Less adjustments made since last invoice	\$0.00 CR
NET BALANCE FORWARD	\$18,048.21

Current Charges

Total professional services	\$997.50
Interest accrued on past due balance	\$67.46
Total incurred this period	\$1,064.96

NET CURRENT CHARGES	\$1,064.96
----------------------------	-------------------

TOTAL AMOUNT DUE	\$19,113.17
-------------------------	--------------------

For questions regarding your account, please call 206.676.7032 or email accounting@summitlaw.com

Current	0-30 Days	31-60 Days	61-90 Days	91-120 Days	121+ Days	Total Due
\$1,064.96	\$4,368.21	\$0.00	\$8,436.00	\$5,244.00	\$0.00	\$19,113.17

Amount requested from the State: \$769.50

Exhibit 1
Page 34 of 45



Paula DeLaiarro
Recall Dunleavy
P.O. Box 210228
Anchorage, AK 99521

Invoice No. **111433**
Invoice Date March 18, 2020
Client No. **11338-1 JMF**

Activity Billed Through 02/29/2020

**Re: Recall Dunleavy Committee
Alaska Recall**

Professional Services Rendered

02/03/2020	JMF	Review appeal and stay pleadings.	0.60 @ \$285.00	\$171.00
02/06/2020	JMF	[REDACTED]	0.80 @ \$285.00 - .80	\$228.00
02/18/2020	JMF	Review pleadings and confer re: plan for briefing appeal to supreme court.	0.70 @ \$285.00	\$199.50
02/25/2020	JMF	Review Appellant's opening brief and excerpt of record.	1.40 @ \$285.00	\$399.00
Total Professional Services				\$997.50

Timekeeper Recap			Hours	Rate	Fees
JMF	Feldman, Jeff	Attorney	3.50	\$285.00	997.50
			3.50		\$997.50



Recall Dunleavy Committee
Alaska Recall

Invoice No. **111433**
Invoice Date March 18, 2020
Client No. **11338-1 JMF**
Page 3 of 4

BILLING SUMMARY

NET BALANCE FORWARD	\$18,048.21
Current Charges	
Total professional services	\$997.50
Total disbursements	\$0.00
Interest accrued on past due balance	\$67.46
Total incurred this period	\$1,064.96
NET CURRENT BILLING	\$1,064.96
TOTAL AMOUNT NOW DUE	\$19,113.17



Recall Dunleavy Committee
Alaska Recall

Invoice No. **111433**
Invoice Date **March 18, 2020**
Client No. **11338-1 JMF**
Page **4 of 4**

Statement of Account as of March 18, 2020
Statement of Account

Bill Date	Bill Number	Bill Amount	Outstanding
12/17/2019	109332	\$5,244.00	\$5,244.00
01/17/2020	110113	\$8,436.00	\$8,436.00
02/19/2020	110750	\$4,368.21	\$4,368.21
Net Balance Forward			\$18,048.21
Current Billing			\$1,064.96
Total Amount Now Due			\$19,113.17

Exhibit 1
Page 37 of 45



Federal Tax ID # 91-1787901

Paula DeLaiarro
Recall Dunleavy
P.O. Box 210228
Anchorage, AK 99521

*March
2020*

Invoice No. **112266**
Invoice Date April 16, 2020
Client No. **11338-1 JMF**

Re: Recall Dunleavy Committee
Alaska Recall

Balance Forward	\$19,113.17
Current Billing	\$3,592.80
Total Amount Now Due	\$22,705.97
Value Adjustment	_____
Amount Paid	_____

ACH payments

Routing # 125 008 013 Checking Account # 002 000 520
The Commerce Bank of Washington Seattle, WA

Online payments (Visa, MasterCard, American Express)
<https://secure.lawpay.com/pages/summit-law-group/operating>

Invoice No. **112266**
Invoice Date April 16, 2020
Client No. **11338-1 JMF**

Summary of Activity Billed Through March 31, 2020

Re: Recall Dunleavy Committee
Alaska Recall

Prior Charges

Balance of last invoice	\$19,113.17
Less payments received since last invoice	\$0.00 CR
Less adjustments made since last invoice	\$0.00 CR
NET BALANCE FORWARD	\$19,113.17

Current Charges

Total professional services	\$3,477.00
Interest accrued on past due balance	\$115.80
Total incurred this period	\$3,592.80

NET CURRENT CHARGES	\$3,592.80
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TOTAL AMOUNT DUE	\$22,705.97
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For questions regarding your account, please call 206.676.7032 or email accounting@summitlaw.com

Current	0-30 Days	31-60 Days	61-90 Days	91-120 Days	121+ Days	Total Due
\$3,592.80	\$1,064.96	\$4,368.21	\$8,436.00	\$0.00	\$5,244.00	\$22,705.97

Amount requested from the State: \$3,192.00

Exhibit 1
Page 38 of 45



Paula DeLaiarro
Recall Dunleavy
P.O. Box 210228
Anchorage, AK 99521

Invoice No. **112266**
Invoice Date April 16, 2020
Client No. **11338-1 JMF**

Activity Billed Through 03/31/2020

**Re: Recall Dunleavy Committee
Alaska Recall**

Professional Services Rendered

03/03/2020	JMF	Review and revise Appellee Brief.	2.00 @ \$285.00	\$570.00
03/05/2020	JMF	Review final draft of appellee brief.	1.00 @ \$285.00	\$285.00
03/09/2020	JMF	Review final appellee brief and confer re: oral argument; outline argument issues.	2.10 @ \$285.00	\$598.50
03/17/2020	JMF	Review State of Alaska reply brief and outline additional questions for oral argument.	2.00 @ \$285.00	\$570.00
03/18/2020	JMF	Review questions for oral argument; outline proposed responses; review appellate briefs.	2.20 @ \$285.00	\$627.00
03/20/2020	JMF	Review appellate briefing and confer with co-counsel to discuss oral argument issues.	1.70 @ \$285.00	\$484.50
03/25/2020	JMF	[REDACTED] and post-argument review with co-counsel and client.	1.20 @ \$285.00 -1.00	\$342.00

Total Professional Services \$3,477.00

Timekeeper Recap			Hours	Rate	Fees
JMF	Feldman, Jeff	Attorney	12.20	\$285.00	3,477.00
			12.20		\$3,477.00



Recall Dunleavy Committee
Alaska Recall

Invoice No. **112266**
Invoice Date April 16, 2020
Client No. **11338-1 JMF**
Page 3 of 4

BILLING SUMMARY

NET BALANCE FORWARD	\$19,113.17
<i>Current Charges</i>	
Total professional services	\$3,477.00
Total disbursements	\$0.00
Interest accrued on past due balance	\$115.80
Total incurred this period	\$3,592.80
NET CURRENT BILLING	\$3,592.80
TOTAL AMOUNT NOW DUE	\$22,705.97



Recall Dunleavy Committee
Alaska Recall

Invoice No. **112266**
Invoice Date April 16, 2020
Client No. **11338-1 JMF**
Page 4 of 4

Statement of Account as of April 16, 2020

Statement of Account

Bill Date	Bill Number	Bill Amount	Outstanding
12/17/2019	109332	\$5,244.00	\$5,244.00
01/17/2020	110113	\$8,436.00	\$8,436.00
02/19/2020	110750	\$4,368.21	\$4,368.21
03/18/2020	111433	\$1,064.96	\$1,064.96
Net Balance Forward			\$19,113.17
Current Billing			\$3,592.80
Total Amount Now Due			\$22,705.97



Federal Tax ID # 91-1787901

Paula DeLaiarro
Recall Dunleavy
P.O. Box 210228
Anchorage, AK 99521

Invoice No. **113085**
 Invoice Date **May 14, 2020**
 Client No. **11338-1 JMF**

Re: **Recall Dunleavy Committee**
Alaska Recall

Balance Forward	\$22,705.97
Current Billing	\$2,633.32
Total Amount Now Due	\$25,339.29
Value Adjustment	_____
Amount Paid	_____

ACH payments

Routing # 125 008 013 Checking Account # 002 000 520
 The Commerce Bank of Washington Seattle, WA

Online payments (Visa, MasterCard, American Express)
<https://secure.lawpay.com/pages/summit-law-group/operating>

Invoice No. **113085**
 Invoice Date **May 14, 2020**
 Client No. **11338-1 JMF**

Summary of Activity Billed Through April 30, 2020

Re: **Recall Dunleavy Committee**
Alaska Recall

Prior Charges

Balance of last invoice	\$22,705.97
Less payments received since last invoice	\$0.00 CR
Less adjustments made since last invoice	\$0.00 CR
NET BALANCE FORWARD	\$22,705.97

Current Charges

Total professional services	\$2,508.00
Interest accrued on past due balance	\$125.32
Total incurred this period	\$2,633.32

NET CURRENT CHARGES	\$2,633.32
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TOTAL AMOUNT DUE	\$25,339.29
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For questions regarding your account, please call 206.676.7032 or email accounting@summitlaw.com

Current	0-30 Days	31-60 Days	61-90 Days	91-120 Days	121+ Days	Total Due
\$2,633.32	\$3,592.80	\$1,064.96	\$4,368.21	\$8,436.00	\$5,244.00	\$25,339.29

Exhibit 1

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Paula DeLaiarro
Recall Dunleavy
P.O. Box 210228
Anchorage, AK 99521

Invoice No. **113085**
Invoice Date May 14, 2020
Client No. **11338-1 JMF**

Activity Billed Through 04/30/2020

**Re: Recall Dunleavy Committee
Alaska Recall**

Professional Services Rendered

04/02/2020	JMF	Review supreme court order for supplemental briefing; review related briefing in legislative appropriation case and confer with co-counsel re: drafting reply.	3.00 @ \$285.00	\$855.00
04/03/2020	JMF	Confer re: case scheduling issues and ACLU intervention request.	1.00 @ \$285.00	\$285.00
04/11/2020	JMF	Review and edit revised draft of supplemental brief.	1.20 @ \$285.00	\$342.00
04/13/2020	JMF	Review supplemental brief of State of Alaska; outline issue for reply brief.	2.30 @ \$285.00	\$655.50
04/20/2020	JMF	Review State's supplemental reply brief and confer re: same.	1.30 @ \$285.00	\$370.50
Total Professional Services				\$2,508.00

Timekeeper Recap			Hours	Rate	Fees
JMF	Feldman, Jeff	Attorney	8.80	\$285.00	2,508.00
			8.80		\$2,508.00

Exhibit 1

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Recall Dunleavy Committee
Alaska Recall

Invoice No. **113085**
Invoice Date May 14, 2020
Client No. **11338-1 JMF**
Page 3 of 4

BILLING SUMMARY

NET BALANCE FORWARD	\$22,705.97
<i>Current Charges</i>	
Total professional services	\$2,508.00
Total disbursements	\$0.00
Interest accrued on past due balance	\$125.32
Total incurred this period	\$2,633.32
NET CURRENT BILLING	\$2,633.32
TOTAL AMOUNT NOW DUE	\$25,339.29



Recall Dunleavy Committee
Alaska Recall

Invoice No. **113085**
Invoice Date May 14, 2020
Client No. **11338-1 JMF**
Page 4 of 4

Statement of Account as of May 14, 2020

Statement of Account

Bill Date	Bill Number	Bill Amount	Outstanding
12/17/2019	109332	\$5,244.00	\$5,244.00
01/17/2020	110113	\$8,436.00	\$8,436.00
02/19/2020	110750	\$4,368.21	\$4,368.21
03/18/2020	111433	\$1,064.96	\$1,064.96
04/16/2020	112266	\$3,592.80	\$3,592.80
Net Balance Forward			\$22,705.97
Current Billing			\$2,633.32
Total Amount Now Due			\$25,339.29

Supreme Court Attorneys' Fees					
Month		Holmes, Weddle, and Barcott, P.C.	Reeves Amodio LLC	Summit Law Group PLLC	Combined Total
January-20	Full Amount	\$ 6,029.50	\$ 2,023.50	\$ 370.50	\$ 8,423.50
	Reductions	\$ -	\$ -	\$ -	\$ -
	Request for Month	\$ 6,029.50	\$ 2,023.50	\$ 370.50	\$ 8,423.50
February-20	Full Amount	\$ 27,276.50	\$ 16,815.00	\$ 997.50	\$ 45,089.00
	Reductions	\$ (699.00)	\$ (57.00)	\$ (228.00)	\$ (984.00)
	Request for Month	\$ 26,577.50	\$ 16,758.00	\$ 769.50	\$ 44,105.00
March-20	Full Amount	\$ 29,483.00	\$ 10,117.50	\$ 3,477.00	\$ 43,077.50
	Reductions	\$ (1,077.50)	\$ (313.50)	\$ (285.00)	\$ (1,676.00)
	Request for Month	\$ 28,405.50	\$ 9,804.00	\$ 3,192.00	\$ 41,401.50
April-20	Full Amount	\$ 25,025.00	\$ 17,812.50	\$ 2,508.00	\$ 45,345.50
	Reductions	\$ (142.50)	\$ -	\$ -	\$ (142.50)
	Request for Month	\$ 24,882.50	\$ 17,812.50	\$ 2,508.00	\$ 45,203.00
Total Request		\$ 85,895.00	\$ 46,398.00	\$ 6,840.00	\$ 139,133.00

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

RECALL DUNLEAVY, an
Unincorporated association,

Plaintiff,

v.

STATE OF ALASKA, DIVISION OF
ELECTIONS, and GAIL FENUMIAI,
DIRECTOR, STATE OF ALASKA,
DIVISION OF ELECTIONS,

Defendants.

Case No. 3AN-19-10903CI

STAND TALL WITH MIKE, an
Independent expenditure group,

Intervenor.

Order on Motion for Attorney's Fees

I. PROCEDURAL BACKGROUND.

The Plaintiff filed its complaint on November 5, 2019, alleging the public's right to recall was infringed when the application for recall was wrongfully denied.¹ The right to recall elected officials is granted to the public in Article XI, Section 8 of the Alaska Constitution, which states "[a]ll elected public officials in the State, except judicial officials, are subject to recall by the voters of the State or political subdivision from

¹ See Complaint at 5, ¶ 21 (stating "This lawsuit is brought in the interest of the public to enforce the provisions of article XI, section 8 of the Alaska Constitution and AS 15.45.470-720, which provide for citizens' right to recall the state's elected officials.").

which elected. Procedures and grounds shall be prescribed by the legislature.”² Grounds for recall are specified in Alaska Statute 15.45.510, while procedures are found in Alaska Statutes 15.45.470 through 15.45.720.³

The Complaint specified that the recall application included three grounds for recall under AS 15.45.510—neglect of duties, incompetence, and lack of fitness—with four allegations supporting these grounds.⁴ The allegations were as follows:

- (1) Governor Dunleavy violated Alaska law by refusing to appoint a judge to the Palmer Superior Court within 45 days of receiving nominations.
- (2) Governor Dunleavy violated Alaska law and the Constitution, and misused state funds by unlawfully and without proper disclosure, authorizing and allowing the use of state funds for partisan purposes to purchase electronic advertisements and direct mailers making partisan statements about political opponents and supporters
- (3) Governor Dunleavy violated separation-of-powers by improperly using the line-item veto to: (a) attack the judiciary and the rule of law; and (b) preclude the legislature from upholding its constitutional Health, Education and Welfare responsibilities.
- (4) Governor Dunleavy acted incompetently when he mistakenly vetoed approximately \$18 million more than he told the legislature in official communications he intended to strike. Uncorrected, the error would cause the state to lose over \$40 million in additional federal Medicaid funds.⁵

Plaintiff moved for summary judgment arguing that the grounds as stated in the application for recall were proper and comported with Alaska Statutes 15.45.470 - 15.45.720.⁶ The Defendants and Intervenors each filed cross-motions for summary judgment arguing the 200-word statement of the grounds for recall was not legally or

² Complaint at 1, ¶ 2; Art. XI, § 8 Alaska Constitution.

³ AS 15.45.470-720.

⁴ Complaint at 3, ¶ 14.

⁵ Complaint at 3-4, ¶¶ 15-18.

⁶ Superior Court’s Order Re: Plaintiff’s Motion for Summary Judgment; Defendant’s Cross-Motions for Summary Judgment; Intervenor’s Cross-Motion for Summary Judgment, Jan. 14, 2020.

factually sufficient.⁷ Finding that its decision *both* preserved the rights of Alaska voters under the constitution *and* did not usurp the legislature's role to prescribe the recall process, the superior court reversed the Director of Elections' decision to deny the recall application on all of the allegations, save (3)(b). The superior court found "[e]ach of the remaining allegations is legally sufficient and is stated with particularity such that the elected official can adequately respond to the allegation."⁸

Defendants appealed the superior court's decision and oral argument was held on March 25, 2020.⁹ "Having considered the parties' arguments, the superior court record and the parties' briefs, including their supplemental briefs responding to the court's written questions[.]" the Supreme Court of Alaska affirmed the superior court's order on the parties summary judgment motions.

II. LEGAL STANDARD.

The question before this Court is whether to apportion attorney fees in accord with Alaska Statute 09.60.010(c) or Rule 82(b).¹⁰ "Civil Rule 82 generally entitles a prevailing party to an attorney's fees award from the opposing party."¹¹ There used to be a public interest exception to Civil Rule 82, which applied in circumstances where litigation was brought in the public interest. However, in 2003 the Alaska Legislature abrogated and replaced the public interest exception in Civil Rule 82 with Alaska Statute 09.60.010.¹²

⁷ *Id.* at 1.

⁸ *Id.* at 18.

⁹ Supreme Court No. S-17706, Disposition of Appeal 5/8/2020 at 1-2.

¹⁰ Alaska R. Civ. P. 82(b); AS 09.60.010(c)-(e).

¹¹ *Alaska Conservation Found. v. Pebble Ltd. P'ship*, 350 P.3d 273, 279 (Alaska 2015).

¹² *Id.* at 274-81.

Subsection (c) sets the basic parameters for an attorney fee award—it “requires courts to award full reasonable attorney’s fees to a successful constitutional claimant but only if the claimant lacked sufficient economic incentive to bring the claim.”¹³ It also “prohibits a court from ordering a losing plaintiff to pay the attorney fees of an opponent devoted to claims concerning constitutional rights.”¹⁴ While subsections (d) and (e) afford courts discretion to constrict the award:

(d) In calculating an award of attorney fees and costs under (c)(1) of this section,

(1) the court shall include in the award only that portion of the services of claimant's attorney fees and associated costs that were devoted to claims concerning rights under the United States Constitution or the Constitution of the State of Alaska upon which the claimant ultimately prevailed; and

(2) the court shall make an award only if the claimant did not have sufficient economic incentive to bring the suit, regardless of the constitutional claims involved.

(e) The court, in its discretion, may abate, in full or in part, an award of attorney fees and costs otherwise payable under (c) and (d) of this section if the court finds, based upon sworn affidavits or testimony, that the full imposition of the award would inflict a substantial and undue hardship upon the party

¹³ *Id.*; AS 09.60.010(c) (stating:

(c) In a civil action or appeal concerning the establishment, protection, or enforcement of a right under the United States Constitution or the Constitution of the State of Alaska, the court

(1) shall award, subject to (d) and (e) of this section, full reasonable attorney fees and costs to a claimant, who, as plaintiff, counterclaimant, cross claimant, or third-party plaintiff in the action or on appeal, has prevailed in asserting the right;

(2) may not order a claimant to pay the attorney fees of the opposing party devoted to claims concerning constitutional rights if the claimant as plaintiff, counterclaimant, cross claimant, or third-party plaintiff in the action or appeal did not prevail in asserting the right, the action or appeal asserting the right was not frivolous, and the claimant did not have sufficient economic incentive to bring the action or appeal regardless of the constitutional claims involved.)

¹⁴ *Lake & Peninsula Borough Assembly v. Oberlatz*, 329 P.3d 214, 226 (Alaska 2014).

ordered to pay the fees and costs or, if the party is a public entity, upon the taxpaying constituents of the public entity.¹⁵

The statute's application depends "not on the source of the rule of law but on *the source of the right asserted*. It applies in a civil action or appeal concerning the *establishment, protection, or enforcement* of a right under the . . . Constitution of the State of Alaska."¹⁶ It does not apply when the right asserted "finds its source in statute."¹⁷

When assessing the applicability of Alaska Statute 09.60.010 in cases with mixed constitutional and statutory claims, the Alaska Supreme Court clarified that "*Oberlatz* and *Manning* provide the correct legal framework."¹⁸ The Alaska Supreme Court has expressly rejected using proration to allocate attorney fees; thus, "a court may not 'simply characterize all the claims as primarily constitutional or primarily non[-]constitutional'" and then award fees.¹⁹

Courts must assess which claims are reasonably connected to the constitutional claims on which the party prevailed. A prevailing claimant is entitled to attorney fees under Alaska Statute 09.60.010 "for any work devoted, in any reasonably connected way, to constitutional claims on which they prevailed."²⁰ A partially prevailing claimant is not entitled to attorney fees under Alaska Statute 09.60.010 "for work devoted *solely* to

¹⁵ AS 09.60.010(d)-(e).

¹⁶ *Oberlatz*, 329 P.3d at 226 (emphasis added).

¹⁷ *Id.*

¹⁸ *Meyer v. Stand for Salmon*, 450 P.3d 689, 692-93 (Justice Winfrey's concurrence) (Alaska 2019) (citing *Oberlatz*, 329 P.3d at 226 (Alaska 2014); *Manning v. State, Dep't of Fish & Game*, 355 P.3d 530 (Alaska 2015)).

¹⁹ *Meyer*, 450 P.3d at 692-93 (citing *Oberlatz*, 329 P.3d at 227; *Manning*, 355 P.3d 530).

²⁰ *Meyer*, 450 P.3d 693.

constitutional claims on which they did not prevail or for any work devoted *solely* to non-constitutional claims.”²¹

On the other hand, a prevailing defendant is entitled to attorney fees under Civil Rule 82 “for any work devoted *solely* to non-constitutional claims.”²² When work on general procedural issues cannot be separated from a claimant’s constitutional claims “the court must assume that all billed time for procedural work was connected to [the] constitutional claims.”²³

Regarding the economic prong of Alaska Statute 09.60.010, the Alaska Supreme Court has noted that “prior cases interpreting the economic incentive prong of the public interest litigant test [under Civil Rule 82] provide the guiding parameters for the meaning of ‘sufficient economic incentive’ under [Alaska Statute] 09.60.010.”²⁴ “We generally examine two factors—the nature of the claim and relief sought and the direct economic interest at stake—to determine primary purpose.”²⁵ Courts may examine the pleadings, the reasons for a lawsuit, and whether the relief requested was legal or equitable in addition to the amount of money in controversy when evaluating the nature of the claim and relief.²⁶ When assessing the direct economic interest at stake, courts may examine what direct economic benefits will flow to the claimant if successful.²⁷

²¹ *Id.*

²² *Id.*

²³ *Id.* (citing *Manning*, 355 P.3d 530).

²⁴ *Pebble Ltd. P’ship*, 350 P.3d at 280–81 (Alaska 2015).

²⁵ *Id.* at 281–282.

²⁶ *Id.* at 282–283.

²⁷ *Id.*

III. ANALYSIS

A. The right to recall is based upon Article XI, § 8 of the Alaska Constitution.

Alaska Statute 09.60.010 applies when the source of the right asserted is grounded constitutionally. This Court finds that the right to recall is founded in Article XI Section 8 of the Alaska Constitution. Alaska Statutes 15.45.470-720 proscribe processes and grounds through which the public may *enforce* and *protect* their constitutionally afforded right to recall public officials. The statutes do not create the right: they enumerate processes through which it may be exercised.²⁸ Therefore, this Court finds that Alaska Statute 09.60.010 applies to Plaintiff's award for attorney fees because the right to recall is founded in the Alaska Constitution.

B. The four claims that Plaintiff prevailed upon are reasonably connected to the Alaska Constitution.

The Plaintiff was successful on four of five claims (all except for 3(b)). Thus, the Plaintiff demonstrated that the public's right to recall was infringed upon when the application for recall was wrongfully denied.²⁹ The source of all the claims that Plaintiff prevailed on is the Alaska Constitution.³⁰ When the Election Director denied the recall petition, it called into question the citizen's right to recall a governor. The litigation involved more than merely the statutory elements of Alaska Statutes 15.45.470 through 15.45.720, because these statutes only promulgate the grounds and procedures for recall.

²⁸ See *Oberlatz*, 329 P.3d at 226 (Alaska 2014).

²⁹ See Complaint at 5, ¶ 21 (stating "This lawsuit is brought in the interest of the public to enforce the provisions of article XI, section 8 of the Alaska Constitution and AS 15.45.470-720, which provide for citizens' right to recall the state's elected officials.").

³⁰ *Lake & Peninsula Borough Assembly v. Oberlatz*, 329 P.3d 214, 226 (Alaska 2014)

Whereas, the right for recalling the Governor is found in Article XI, Section 8 of the Alaska Constitution.

C. The Plaintiff had no economic incentive to pursue the litigation.

The second element of AS 09.60.010 requires that the Plaintiff not have an economic incentive to pursue the litigation.³¹ To determine if there is an economic incentive, the Court must look at the nature of the claim and the relief sought, as well as the economic interest at stake.³² The nature of the Plaintiff's claim, recalling Governor Dunleavy, is a Constitutional right authorized by Article X, Section 8. The Court finds there was no economic incentive to pursue the litigation.

D. The work provided by the two attorneys, who performed research and drafting, should be included in the attorney fees award.

The state argues the two attorneys who assisted in researching and drafting some of the pleadings should not be part of the attorney fee award because there was no information provided about them. The Plaintiff corrected this problem by providing the information in Ms. Lindemuth's and Ms. Orlansky's affidavits. After reviewing the time sheets, the Court finds their work was reasonable and should be compensated.

E. The court finds Plaintiff's attorney fee request reasonable.

The fees in this litigation are reasonable. The issues before the Court are complex and address Constitutional issues that are a first impression to this state. The fees the

³¹ AS 09.60.010(c)(2)


³² *Pebble Ltd. P'ship*, 350 P.3d at 280–81 (Alaska 2015).

associated with the most experienced and primary attorneys, Ms. Lindemuth, Ms. Orlansky, and Jeffrey Feldman are reasonable; the fees were also discounted. The remaining attorney fees are also commensurate with the attorney's experience and are reasonable.

IV. CONCLUSION

The Court finds that Plaintiff is entitled to full reasonable attorney fees, pursuant to AS 09.60.010. In their reply, the Plaintiff agrees that its fees should be reduced by \$22,335.91. The Court finds that reduction is warranted because no fees should be awarded for the claims the Plaintiff did not prevail on. This reduction also includes fees for letters to the Division of Elections, public relations, and additional attorneys who attended the hearing. The Court awards the Plaintiff \$186,822.09 and costs of \$3,184.40.

ORDERED this 8th day of October, 2020 at Anchorage, Alaska.



Hon. Herman G. Walker, Jr.
Superior Court Judge

I certify that on 10-8-20
a copy of the above was distributed to:
S. Orlansky; J. Feldman; S. Gottstein;
S. Kendall; J. Lindemuth; M. Patton-Walsh;
C. Richards; M. Baylous; B. Jamieson



L. Greene, Judicial Assistant